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Note verbale dated 28 October 2004 from the Permanent Mission of Ireland to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Ireland to the United Nations presents its compliments to the Chairman of the Committee and, with reference to resolution 1540 (2004), has the honour to submit herewith Ireland's first report to the Committee (see annex).

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Annex to the note verbale dated 28 October 2004 from the Permanent Mission of Ireland to the United Nations addressed to the Chairman of the Committee

Ireland's national report on the implementation of Security Council resolution 1540 (2004)

1. The unanimous adoption of United Nations Security Council Resolution 1540 (2004) on 28 April 2004 was a very welcome step in the evolution of the international community's approach to combating the threat that proliferation of weapons of mass destruction and their means of delivery, in particular by non-state actors, poses to international peace and security.

2. Ireland has taken a range of measures to ensure compliance with UNSCR 1540. We fully support the work of the Special Committee of the Security Council ("the 1540 Committee") in ensuring implementation of this resolution.

3. As Ireland is a member of the European Union (EU), reference is made to the EU Common Report that will be transmitted to the UNSC 1540 Special Committee separately. This EU Report covers areas of EU and European Community competences and activities in relation to UNSC Resolution 1540 and should be read in conjunction with this national report.

Legislative action

4. Ireland has a wide range of legislative measures in place to prevent the proliferation of WMD, including the Control of Exports Act 1983, Control of Exports Order 2000, Importation of Pathogenic Agents Order 1997, the Firearms Acts of 1925 to 1990, the Chemical Weapons Act, 1997, and the Containment of Nuclear Weapons Act 2003.

5. With particular reference to customs-related issues, these are covered by the Customs Consolidation Act 1876, the Harbours Act 1946, the Customs Act 1956, the Customs, Inland Revenue and Savings Bank Act 1877, Reg. 14 European Communities Regulations 1992 and the Finance Act 1936. Moreover, the Irish Customs Service applies the provisions of Council Regulation No 2913/ 92 (Community Customs Code) and Commission Regulation No. 2454/93 (Implementing Provisions of the Community Customs Code) in respect of the import of goods from outside the European Union and export of goods to Third Countries.

Executive action

6. The Disarmament and Non-Proliferation Section of the Department of Foreign Affairs monitors national implementation of UNSCR 1540, and has overseen the preparation of Ireland's response to the 1540 Committee. Detailed responses as to how Ireland's legislative framework relates to specific issues raised in UNSCR 1540 are set out below.

Enforcement action

7. The Department of Enterprise, Trade and Employment is Ireland's Export Licensing Authority. However, the Revenue Commissioners (the tax collecting authority of the State) are responsible for the physical control of import and export of dual-use and military goods, investigating suspected offences, and taking appropriate action, including prosecution of offenders, where required.

8. Traders exporting such goods from Ireland are obliged to produce an export licence, issued by the national licensing authority, the Department of Enterprise, Trade and Employment, to Customs, if requested, and export consignments are subject to risk analysis checks at the point of export. The scale and level of such checks are determined locally and may be conducted randomly, but are more likely to be based on intelligence information.

9. An important development after the adoption of UNSCR 1540 was the publication in July 2004 of an independent review of Ireland's Export Licensing System. The report of the review sets out a number of ways in which Ireland can continue to modernise and strengthen its export licensing controls so as to ensure full compliance with international obligations. Ireland believes that in the present international climate it is important that all countries behave responsibly in regard to the sale of products which are military in nature or may have military applications.

10. Consideration and implementation of the report's recommendations will be addressed within the framework of an inter-agency Implementation Group, involving the Departments of Enterprise, Trade and Employment, Environment, Heritage and Local Government, Foreign Affairs, Defence, and Justice, Equality and Law Reform, together with the Revenue Commissioners. This group has already commenced its deliberations.

Encouraging compliance

11. The awareness of exporters, freight forwarders and other trade facilitators is a key issue for an effective export control system. The Department of Enterprise, Trade and Employment's website (http://www.entemp.ie/trade/export/index.htm) provides guidance, as does the Department's publication: "Guide to Export Controls." The Department also undertakes company compliance visits, hosts meetings with individual exporters and offers advice on internal compliance issues.

European Union

12. The Thessaloniki European Council in June 2003 agreed that preventing the proliferation of WMD should be a priority for the Union, both internally and in its relations with third countries, and agreed an Action Plan for addressing the issue. For example, in November 2003 the EU agreed a model non-proliferation clause to be included in all future EU-third country trade and co-operation agreements.

13. The European Council adopted a strategy for preventing the proliferation of WMD in December 2003, which the EU is in the process of implementing. Significant progress was achieved during Ireland's Presidency of the EU between January and June 2004, as detailed in the progress report

adopted at the meeting in June of the EU General Affairs and External Relations Council (GAERC) and endorsed at Head of Government level by the European Council.

14. In keeping with the overall theme of effective multilateralism and the emphasis on the United Nations in the EU Strategy, démarches were carried out by the EU to promote key treaties and agreements, in several cases with positive results. Démarches were carried out in order to promote accession to the Comprehensive Test Ban Treaty (CTBT), the Hague Code of Conduct on Ballistic Missiles (HCOC), the Chemical Weapons Convention (CWC) and the Biological Toxin Weapons Convention (BTWC). The EU also carried out démarches to support the International Atomic Energy Agency's Code of Conduct on the Safety and Security of Radioactive Sources, the results of which have been shared with the IAEA. The results of the démarches on the CWC were also shared with the Organisation for the Prohibition of Chemical Weapons (OPCW) during Ireland's Presidency of the EU.

15. EU Member States are agreed that non-proliferation should be mainstreamed into our overall policies drawing upon all the resources and instruments available to the Union. We are working to support the multilateral institutions charged with verification and upholding compliance with the Treaties. Furthermore, we are committed to strong national and internationally coordinated export controls as a necessary complement to the Treaty system.

16. Ireland has worked to help establish effective policies within the European Union to prevent WMD proliferation. For example, during the Irish Presidency of the EU in 2004, agreement was reached on a mechanism for the Peer Review Exercise, involving all 25 Member States, whereby clusters of Member States examine each other's dual-use export control systems with a view to identifying best practices. This process was designed with the objective in particular of reinforcing the efficiency of export controls and assisting newly-acceded Member States in complying with their EU obligations in this field. The peer review has been completed and a report on the subject will be produced.

International Instruments

17. Ireland is a party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), as well as the Chemical Weapons Convention (CWC), and the Biological and Toxin Weapons Convention (BTWC).

18. Ireland, together with the other non-nuclear weapons State members of the European Atomic Energy Agency (Euratom), and the IAEA concluded an Additional Protocol to their IAEA Safeguards Agreement in 1998. Provision was made in Irish law for the obligations to be assumed by the State under the Additional Protocol by enactment of the Containment of Nuclear Weapons Act 2003. The Additional Protocol entered into force on 30 April 2004, following a decision that all the (then) EU Member States should bring Additional Protocols into force simultaneously. Ireland believes that the Additional Protocol is now an essential element of any effective safeguards regime. Ireland would urge all States which have not yet signed and ratified the Additional Protocol to do so as this would be an important demonstration of their commitment to the NPT. During Ireland's Presidency of the EU in 2004 démarches were carried out to promote this goal.

19. In addition, Ireland is an active member of the following export control regimes: the Australia Group (AG), M[illegible]sile Technology Control Regime (MTCR), the Nuclear Suppliers Group (NSG), the Wassenaar Arrangement (WA), and the Zangger Committee. The export control regimes play an important role in agreeing control lists and raising international standards of export controls. Ireland is also a subscribing State to the Hague Code of Conduct on Ballistic Missiles, in respect of which Ireland has recently submitted its Annual Declaration for 2004.

20. Ireland contributes to the IAEA Nuclear Terrorism Fund, as well as the IAEA Technical Cooperation Fund. In the case of the latter Fund, for example, Ireland contributed just under €173,000 for this year and plans to make a contribution of approximately €215,000 for 2005 to the Technical Cooperation Fund.

21. Ireland's approach to disarmament and non-proliferation is rooted in a firm conviction that multilateral cooperation is in the interest of all and most particularly serves the interests of smaller states who must rely on building and supporting a strong rules-based system. We are committed to implementing and strengthening all relevant instruments and to pursuing the universalisation of their norms.

Comments in relation to the specific issues raised by UNSCR 1540

Operative Paragraph 1
Decides that all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery.

Action taken:

Ireland does not provide any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery. In relation to nuclear material, export and import of radioactive material and nuclear devices to/from countries outside the European Union is also prohibited save under licence.

Planned action:

Ireland is considering what further action may be necessary.

Operative Paragraph 2
Decides also that all States, in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them;

Action taken:

Ireland has given effect in its national laws to obligations it has assumed as a state party to the Nuclear Non-Proliferation Convention, the Biological and Toxin Weapons Convention, the Chemical Weapons Convention and the IAEA Safeguard Agreements, many of which meet the requirements set out in the second Operative Paragraph of Resolution 1540. The following is a summary of the principal laws and their provisions:

- The Radiological Protection Act 1991 (Ionising Radiation) Order, 2000 provides that with certain exceptions the custody, transportation, handling, holding, storage, use, manufacture, production, processing, importation, distribution, exportation or other disposal, of radioactive substances, nuclear devices and irradiating apparatus is prohibited except under a licence issued by the Radiological Protection Institute of Ireland (RPII). Under Section 40 of the Radiological Protection Act 1991 it is an offence to contravene a provision of this Order punishable upon conviction on indictment to a fine not exceeding €127,000 or to imprisonment for a term not exceeding 10 years, or both.

- Section 38 of the 1991 Act makes it an offence inter alia to possess, use or transfer nuclear material in a manner to cause or likely to cause death or serious injury or to steal nuclear material. Such acts when committed by a citizen of the State are offences, wherever they may be committed. The application of this provision extends also to the commission of such acts by any person on a ship or aircraft registered in the State wherever it may be. Section 38 further extends criminal jurisdiction over such acts when committed by citizens of states parties to the Vienna Convention on the Physical Protection of Nuclear Material 1980 or when committed on ships registered in such states.

- The Containment of Nuclear Weapons Act 2003 makes provision for the obligations assumed by the State pursuant to the 1998 Additional Protocol to the IAEA Safeguards Agreement. The 2003 Act makes it an offence for any person to engage in activities prohibited under the Protocol or to produce, use, acquire, transfer or process any equipment or material listed in Annex I or II of the Protocol unless authorised to do so in accordance with law. Any person who contravenes this provision is guilty of an offence and is liable upon conviction on indictment to a fine not exceeding €500,000, or to imprisonment for a term not exceeding 4 years, or both.

- Provision has been made in Irish law for the obligations assumed by the State under the Chemical Weapons Convention by the Chemical Weapons Act 1997. Section 2 of the Act makes it an offence "to produce, develop, retain, use or transfer, directly or indirectly to anyone, a chemical weapon or assist another person to produce, develop, retain, use or transfer a chemical weapon" and any person convicted on indictment of such an offence shall be liable to imprisonment for life or a lesser period. Any of these acts if committed by a citizen of the State outside the State is likewise an offence.

- The export of dual-use goods falls within the ambit of the Common Commercial Policy of the European Community and therefore within the latter's legislative competence. In general it is for the European Community to adopt measures to regulate trade in these goods with third countries, although, given the national defence aspects of this matter, a regulatory role for the Member States

remains. Council Regulation (EC) No 1334/2000 of 22 June 2000 establishes a Community regime for the control of exports of dual-use items and technology. The Regulation, which has direct effect in all Member States of the Community, defines dual-use items as "items, including software and technology, which can be used for both civil and military purposes" and includes "all goods which can be used for both non-explosive uses and assisting in any way in the manufacture of nuclear weapons or other nuclear explosive devices" (Article 2 (a)).

- The Council Regulation establishes a regime under which the export of dual-use goods is subject to authorisation by the relevant designated national authority (the Department of Enterprise, Trade and Employment in Ireland). Dual-use items subject to export authorisation are set out in Annex I to the Council Regulation and fall into 10 broad categories, including Nuclear Materials, Facilities, and Equipment (Category 0), Materials, Chemicals, Micro-organisms and Toxins (Category 1), Navigation and Avionics (Category 7) and Propulsion Systems, Space Vehicles and Related Equipment (Category 9). The export of software or technology which is required for the development, production or use of the goods listed in Annex I, including the transmission of such software or technology by electronic media, fax or telephone (intangible transfers), is also subject to export authorisation. The Council Regulation further provides (Article 4, paragraph 1) that an "authorisation shall be required for the export of dual-use items not listed in Annex I if the exporter has been informed by the competent authorities of the Member State in which he is established that the items in question are or may be intended, in their entirety or in part, for use in connection with the development, production, handling, operation, maintenance, storage, detection, identification or dissemination of chemical, biological or nuclear weapons or other nuclear explosive devices or the development, production, maintenance or storage of missiles capable of delivering such weapons." The list of dual-use items set out in Council Regulation 1334/2000 has been updated by Council Regulation 1504/2004.

- The export of military goods is subject to a separate licensing regime under the Control of Exports Act 1983. Section 2 of the Act allows the Minister for Enterprise, Trade and Employment to prohibit by order the export of specified goods without a licence and, following consultation with the Minister for Foreign Affairs, to prohibit by order the export of specified goods to specified states. An order made thereunder (the Control of Exports Order 2000) prohibits the export of any goods specified in its Schedule except with and in accordance with a licence issued by the Minister for Enterprise, Trade and Employment pursuant to Section 3 of the Act. The military items specified in the Schedule of the 2000 Order are broken down into a number of categories and include Bombs, Torpedoes, Mines, Rockets and Missiles, Chemical or Biological Toxic Agents, and Software and Technology for the production of products listed in the Schedule. Under Section 3 of the Customs Act 1956 any person who exports or attempts to export any goods in contravention of any enactment or statutory instrument shall be guilty of an offence against the Customs Acts and shall for each such offence forfeit treble the value of the goods. Such a person may either be detained or proceeded against by summons.

  Section 3(4) of the Act of 1983 provides that any person who, for the purpose of obtaining a licence for himself or for any other person, makes any statement or representation which is, to his knowledge, false or misleading in any material respect shall be guilty of an offence. Any person found guilty of such an offence is liable to a fine not exceeding €12,700 or three times the value of the goods in respect of the which an export licence was sought, whichever is the greater, or, at the

discretion of the court, to imprisonment for a term not exceeding two years or to both the fine and the imprisonment.

- EU Council Regulation 1334/2000 and the Control of Exports Order 2000 give effect to the Wassenaar Arrangement's List of Dual-Use Goods and Technologies and Munitions List (scheduled to the Control of Exports order 2000), the Australia Group's Common Control Lists and the MTCR Equipment, Technology and Software Annex.

- The Harbours Act 1996 imposes restrictions on the entry of nuclear materials and ships into Irish harbours. Under Section 52(2) a harbour master may only permit entry of radioactive material (as defined by the International Maritime Dangerous Goods Code) into a harbour with the consent of the Radiological Protection Institute of Ireland.

- By virtue of Section 7 of the Criminal Law Act 1997, "any person who aids, abets, counsels or procures the commission of an indictable offence shall be liable to be indicted, tried and punished as a principal offender."

Planned Action

A comprehensive review of the present provision in domestic law for the State's international legal obligations in relation to the proliferation of weapons of mass destruction and their means of delivery, including under UN Security Council Resolution 1540, is almost complete. Where that review reveals that legislative provision is considered deficient or requires to be updated proposals for new legislation will be brought forward. Already gaps in the criminalisation of certain acts, as required by the Biological and Toxin Weapons Convention, have been identified and these will be the subject of legislative action in the near future.

The Criminal Justice (Terrorist Offences) Bill, at present before Parliament, will, amongst other things, allow for the ratification of the UN Convention for the Suppression of the Financing of Terrorism. The proposed new offence of financing terrorism will include, inter alia, the possession, collection or receipt of funds intending that they will be used or knowing that they will be used to carry out an act that constitutes an offence under Irish law and within the scope of, and as defined in, the Convention on the Physical Protection of Nuclear Material.

Operative Paragraph 3
Decides also that all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials and to this end shall:

(a) Develop and maintain appropriate effective measures to account for and secure such items in production, use, storage or transport;

Action taken:

Ireland has introduced laws and regulations, such as the Containment of Nuclear Weapons Act (2003) and the Containment of Nuclear Weapons Act Regulations (2004) to implement the Protocol Additional to the

Safeguards Agreement between Euratom and the IAEA. Under these regulations any activity to which the Additional Protocol applies is reportable to the Radiological Protection Institute of Ireland (RPII), which is Ireland's designated National Authority for advising the Irish Government on radiological protection and nuclear safety matters. The RPII has a comprehensive and regularly updated database of all radioactive materials and irradiating apparatus in Ireland. The RPII reports all incidents which are defined by the IAEA as constituting trafficking in radioactive nuclear material to the IAEA Illicit Trafficking Database Office. Moreover, it rigidly adheres to the definition of trafficking in that it reports, for example, incidents involving inadvertent disposal or unlicensed transport of radioactive material, even where it is clear that no criminal activity is involved.

Ireland is fully committed to IAEA initiatives to improve the safety and security of nuclear and radioactive material. Moreover, it has formally endorsed the IAEA Code of Conduct on the Safety and Security of Radioactive Sources.

Ireland is party to the Treaty Establishing the European Atomic Energy Community (Euratom), Chapter 7 of which concerns nuclear safeguards. These safeguards are implemented by the European Commission, which is tasked under the Treaty with satisfying itself that nuclear material in the Community is not diverted from declared uses.

Ireland has declared to the Euratom Safeguards Office the two sites holding material to which the Additional Protocol applies. The material held at these sites includes natural uranium from a dismantled sub-critical assembly, a very small quantity (less than a gram) of enriched uranium and two plutonium beryllium and neutron sources (one on each site). These two sites are subject to Euratom and IAEA Safeguards inspections.

Ireland has no nuclear power stations, no plans to develop one, no research reactors, no nuclear research programmes and, other than the nuclear material held at the two sites referred to above, no fissile material.

Ireland has taken steps to comply with the requirements of the Council Directive 2003/122/Euratom of 22 December 2003 on the control of high-activity sealed radioactive sources and orphan sources. A full assessment of the implications of this Directive has been undertaken for the purpose of introducing additional legislation where required and taking whatever other steps are necessary to fully comply with this Directive.

Part of the Euratom requirement is that operating records must be kept and produced by Member States in order to permit for accounting of these materials. The detailed record-keeping requirements are set out in a Regulation made by the Commission and approved by the Council (currently Commission Regulation (Euratom) No. 3227/76), which is directly applicable in Ireland.

The Commission maintains an inspectorate (currently part of the Directorate General for Energy and Transport) which has responsibility for obtaining and verifying these records. Ireland submits its nuclear material accountancy reports to this inspectorate and Commission inspectors are given access to all places, data and persons in Ireland to the extent necessary to verify these and hence be able to ensure that Ireland is compliant with the non-diversion provision.

Ireland has established a national licensing system for the production, possession, and use of chemicals included in Schedule 1 of the Chemical Weapons Convention (CWC) and implementation of reporting requirements for all chemicals included in the Schedules of the CWC.

Planned action:

With regard to the European Agreement concerning the International Carriage of Dangerous Goods (ADR), Ireland is not yet a contracting party to this. However, this is currently being addressed in the relevant Government Department where arrangements are being made to invoke the necessary procedures which will result in Ireland becoming a party to the ADR.

(b) Develop and maintain appropriate effective physical protection measures;

Action taken:

The Containment of Nuclear Weapons Act 2003 provides the requisite powers for facilitating the reporting of information by Ireland to the IAEA and site access by IAEA inspectors in accordance with Ireland's Additional Protocol;

In December 2002, the Diplomatic Conference of the International Maritime Organisation adopted a number of amendments to the 1974 Safety of Life at Sea Convention (SOLAS Convention), including a new Chapter entitled, "Special Measures to enhance maritime security, and a new International Ship and Port Facility Security Code". Regulation (EC) No 725/2004 of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port facility security strengthened the international requirements for EU Member States and harmonised the implementation of the amendments. These amendments which are intended to strengthen maritime security and prevent and suppress acts of terrorism against shipping came into force on 1 July 2004. Ireland was fully compliant by that date.

Planned action:

Ireland is considering what further action may be necessary.

(c)Develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law;
Action taken:

The following national legislation is in place in Ireland:

- Customs Consolidation Act 1876;
- Harbours Act 1946 to 1996;
- Customs Act 1956;

- Customs, Inland Revenue and Savings Bank Act 1877;
- Reg. 14 European Communities Regulations, 1992; and
- Finance Act 1936.

The Irish Air Corps and the Naval Service, as appropriate and at the request of the Irish Coast Guard, are responsible for monitoring dangerous shipments traversing through Ireland's 200 nautical mile Exclusive Fisheries and Pollution Response Zones. Even in the event of no such request, the Naval Service, as the principal seagoing agency of the State, monitors maritime activity in the 200 n.m. Zone. Under the Maritime Security Act 2003, the Defence Forces have powers of detention, search and arrest at the request of the Irish police authorities of persons engaged in any activity which may, inter alia, put shipping or offshore platforms at risk. This role assists in the prevention of terrorism in the marine or offshore environment. The Defence Forces can and are called upon by the Irish police authorities to provide escorts in relation to certain movement of explosives. This option would also be available in the event that dangerous materials were being moved within the jurisdiction, although such a request is unlikely to arise.

Planned action:

A planned re-development of the Irish Customs "Automated Entry Processing system" will incorporate enhanced risk assessment capabilities and allow Customs officials increased scope to target the movements of high-risk and suspicious transactions. In addition, the intended purchase of mobile scanner equipment will provide improved detection capabilities.

(d)Establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls on providing funds and services related to such export and trans-shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations.

Action taken:

On an EU level, legislation governing the Export of Dual-use Goods Council Regulation (EC) No. 1334/2000, as amended, sets up a Community regime for the control of exports of dual-use items; and Council regulation (EC) No.1504/2004 provides the updated list of items classified as "Dual-Use" items.

On a national level in Ireland, the European Communities (Control of Exports of Dual-Use Items) Regulations 2000, as amended, gives effect in national law to the provisions of Council Regulation (EC) No.1334/2000, as amended. In particular, a Statutory Instrument designates the Minister for Enterprise, Trade and Employment as the appropriate competent authority for the issue of licences for the export of dual-use items. The Irish Customs Service implements controls and measures required under Council Regulation No. 1334/2000, as amended, in respect of the export from Ireland of dual-use items and technologies. Community Customs Code (EC Regulation 2913/92) is also implemented.

The exportation of military goods from Ireland is governed by national legislation. The Control of Exports Order 2000 –Statutory Instrument No. 300 of 2000- prohibits the exportation of all military goods and related components thereof, except under licence. Military goods subject to export control are regulated under the Control of Exports Order 2000. This Order contains a detailed list of the military goods which are subject to export control.

There is provision for penalties for the export of Military or Dual-use goods without licence under the Customs Act of 1956 (see Operative Paragraph 2 above).

An independent review of Ireland's export control system was published in July, 2004. The review proposes a number of areas in which the Irish Export Licensing System can be modernised and strengthened, including:

- Introduction of new primary legislation to govern Irish military exports, and filling a number of gaps in the Irish regime;
- Enhanced co-operation between the Department of Enterprise, Trade and Employment and other agencies with a role in the export control area, including the Department of Foreign Affairs and Customs;
- Better use of new technology, including introduction of web-based export licence applications;
- Greater preventative enforcement through information provision to all actual and potential exporters about the requirements of export licenses, particularly in the case of Dual-use Goods where exporters might be unaware of their obligations;
- Ensuring that relevant exporters have good in-company compliance procedures rather than detailed item auditing by the authorities; and
- Publication of an annual report on export licensing activity, including an aggregate value of military exports, with this annual report laid before Parliament.

Planned action:

Consideration and implementation of the report's recommendations is being addressed within the framework of an inter-agency Implementation Group. It is planned to bring proposals regarding new primary legislation to Government shortly.

Operative Paragraph 5

Decides that none of the obligations set forth in this resolution shall be interpreted so as to conflict with or alter the rights and obligations of State Parties to the Nuclear Non-Proliferation Treaty, the Chemical Weapons Convention and the Biological and Toxin Weapons Convention or alter the responsibilities of the International Atomic Energy Agency or the Organization for the Prohibition of Chemical Weapons.

Ireland is a state party to the Nuclear Non-Proliferation Treaty (NPT); the Chemical Weapons Convention (CWC); and the Biological and Toxin Weapons Convention (BTWC). Ireland is also an active member of the IAEA and OPCW, and is active in the continuing work by States Parties to strengthen implementation of the BTWC. Ireland supports an effective compliance and verification instrument for the Biological and Toxin Weapons Convention. We recognise the work which has been undertaken by the meetings of State Parties last year and welcomes the focus on effective national measures to ensure full implementation of the provisions of the Treaty. As part of the EU Strategy on Weapons of Mass Destruction, we are working with our partners to secure the universalisation of the Treaty; it was in this context that, during Ireland's Presidency of the EU, démarches to achieve that goal were carried out.

Operative Paragraph 6

Recognizes the utility in implementing this resolution of effective national control lists and calls upon all Member States, when necessary, to pursue at the earliest opportunity the development of such lists.

Action taken:

Ireland is strongly in favour of working with partners to achieve effective multilateral export control regimes. The EU has already begun work on strengthening export control policies and practices in cooperation with partners in the export control regimes, and promoting, where applicable, adherence to effective export control criteria by countries currently outside the existing regimes and arrangements. Ireland, with our EU partners, strongly supports efforts to identify, control and intercept the illegal trafficking of WMD-related material.

Ireland is an active member of the Australia Group, the Missile Technology Control Regime, Nuclear Suppliers' Group, the Wassenaar Arrangement and the Zangger Committee. Ireland maintains and regularly updates national export control lists.

Planned action:

We are continuing to work to ensure that the multilateral export control regimes respond in a timely fashion to developments.

Operative Paragraph 7

Recognizes that some States may require assistance in implementing the provisions of this resolution within their territories and invites States in a position to do so to offer assistance as appropriate in response to specific requests to the States lacking the legal and regulatory infrastructure, implementation experience and/or resources for fulfilling the above provisions.

Action taken:

Ireland recognises that some States may require assistance in implementing the provisions of this resolution within their territories and is, and has been, willing to provide assistance where appropriate in response to specific requests to States lacking the legal and regulatory infrastructure, implementation experience and/or resources for fulfilling the provisions of UNSCR 1540.

As an example of this, the Radiological Protection Institute of Ireland (RPII) has provided assistance to a number of States for the purpose of upgrading their radiation protection infrastructures. This assistance includes expert missions, providing lecturers for training courses and facilitating visits to the RPII by staff from a number of the States in question. The RPII has also provided expert services to assist in the development and upgrading of the IAEA Regulatory Authority Information Software which the IAEA has provided to a number of States.

Planned action

Ireland is considering what further action may be necessary

Operative Paragraph 8

Calls upon all States:
a) To promote the universal adoption and full implementation, and, where necessary, strengthening of multilateral treaties to which they are parties, whose aim is to prevent the proliferation of nuclear, biological or chemical weapons;

Action taken:

- EU Common Position, November 2003, on the universalisation of the main multilateral non-proliferation agreements (CWC, BTWC, NPT);
- Additional Protocol to the Nuclear Safeguards Agreement as a condition of supply: EU actively supporting the universalisation of the Additional Protocol;
- Model non-proliferation clause in EU-third country agreements; and
- Urging non-state parties to join multilateral treaties, in order to achieve their universal application.

Planned action:

Ireland will continue to promote the universal adoption and full implementation, and, where necessary, strengthening of multilateral treaties whose aim is to prevent the proliferation of nuclear, biological or chemical weapons.

(b) To adopt national rules and regulations, where it has not yet been done, to ensure compliance with their commitments under the key multilateral non-proliferation treaties;
Action taken:
As indicated earlier, Ireland has a wide range of national legislation and regulations covering these commitments.

Planned action

A comprehensive review of the present provision in domestic law for the State's international legal obligations in relation to the proliferation of weapons of mass destruction and their means of delivery, including under UN Security Council Resolution 1540, is almost complete. Where that review reveals that legislative provision is considered deficient or requires to be updated proposals for new legislation will be brought forward. Already gaps in the criminalisation of certain acts, as required by the Biological and Toxin Weapons Convention, have been identified and these will be the subject of legislative action in the near future.

(c)To renew and fulfil their commitment to multilateral cooperation, in particular within the framework of the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons and the Biological and Toxin Weapons Convention, as important means of pursuing and achieving their common objectives in the area of non-proliferation and of promoting international cooperation for peaceful purposes;

Action taken:

As a state party to the CWC we continue to provide full support for the aims and activities of the OPCW. The possible existence of chemical weapons in countries which are not party to the CWC is a source of concern and with our EU partners we will continue to promote the universalisation of the Convention.

Ireland remains fully committed to strengthening the Biological Toxin Weapons Convention (BTWC). Ireland also sent relevant experts to the BTWC meetings in 2003 and 2004 and actively participated in the discussions on the agreed work programme, thereby contributing to the promotion of common understanding and effective action. These discussions will be followed up at the 2006 Review Conference. We also continue to provide full support for the aims and activities of the IAEA.

Planned action

Ireland is considering what further action may be necessary.

(d) To develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws;

Action taken:

- Development of a close working relationship with industry, established through regular outreach programmes;
- Information dissemination through Irish government websites and publications; and
- Implementation of the EU WMD Strategy.

Planned action

Actions to be pursued in this area include:

- Improvement and up-dating of the existing communication instruments, including the Department of Enterprise, Trade and Employment's exporters' Guide and website;
- More use of other channels to spread information about the operation of the export control system e.g. via the enterprise agencies, trade representative bodies, professional bodies and specialist publications;
- Briefing meetings for interested parties, in a number of suitable venues; and
- A user's charter governing the service commitments of the system as a whole, including the Department of Enterprise, Trade and Employment as the licensing authority, Customs as the enforcement agency, and the Department of Foreign Affairs and other bodies in advisory or supporting roles.

Operative Paragraph 9

Calls upon all States to promote dialogue and cooperation on non-proliferation so as to address the threat posed by proliferation of nuclear, chemical, or biological weapons, and their means of delivery.

Ireland continues to promote dialogue and co-operation on non-proliferation in a range of fora so as to address the threat posed by proliferation of nuclear, chemical, or biological weapons, and their means of delivery.

Operative Paragraph 10

Further to counter that threat, calls upon all States, in accordance with their national legal authorities and legislation and consistent with international law, to take cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials;

Action taken:

- A review of the Convention for the Suppression of Unlawful Acts against the safety of maritime navigation 1988, and its protocol of 1988 relating to fixed platforms on the continental shelf (SUA Convention and SUA Protocol) is underway in the forum of the Legal Committee of the International Maritime Organisation (IMO). It is proposed that any amendments will take the form of additional protocols to the existing SUA Agreements. Ireland supports the general thrust of the review and the proposed additional protocols which are intended to strengthen the SUA Convention and help efforts to combat international terrorism.
- Ireland recognises the need to enhance coordination of efforts on national, sub-regional, regional and international levels in order to strengthen a global response to this serious challenge and threat

to international security. The Proliferation Security Initiative (PSI) is one example of such efforts. Ireland, along with its EU partners, has clearly stated its support for the Proliferation Security Initiative (PSI), and will take the necessary steps in support of interdiction efforts to the extent their national and Community legal authorities permit and consistent with their obligations under international law and frameworks.

Planned action:

Ireland is considering what further action may be necessary.